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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 SHARON TEMPLETON,  
12 Plaintiff,

13 v.

14 JAMES DAVIS, *et al.*,  
15 Defendants.

Case No. 1:16-cv-01491-DAD-EPG

ORDER TO SHOW CAUSE FOR  
FAILURE TO APPEAR

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17 On October 5, 2016, Plaintiff Sharon Templeton filed a complaint against James Davis,  
18 Joyce Fields-Keene, the Central California Faculty Medical Group, University Neurosurgeons,  
19 Community Medical Centers, and Community Regional Medical Center. (ECF No. 1.) Plaintiff  
20 paid the \$400 filing fee on the same date. On October 11, 2016, this Court issued an order  
21 explaining that “[b]ecause Plaintiff is not proceeding *in forma pauperis*, it is Plaintiff’s  
22 responsibility to effect service of summons and the Complaint on Defendants.” (ECF No. 9 at 1.)  
23 The order further explained how to effectuate service of process upon the Defendants and warned  
24 Plaintiff that her “failure to timely complete service of the complaint on Defendants may result in  
25 dismissal of this action. Fed. R. Civ. P. 4(m).”<sup>1</sup> (*Id.* at 1-3.)  
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28 <sup>1</sup> Rule 4(m) of the Federal Rules of Civil Procedure provides that “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the

1 Summons were issued on October 11, 2016 for each of the named Defendants in this  
2 case. (ECF Nos. 3-8.) No proof of service has been filed with the Court as of the date of this  
3 order.

4 On October 11, 2016, this Court set an initial scheduling conference for January 24, 2017  
5 at 09:30 a.m. (ECF No. 2.) As the hearing approached, the Court converted the initial scheduling  
6 conference to status conference because it noticed that service of process had not yet been  
7 effectuated. (ECF No. 10.)

9 This Court held the status conference on January 24, 2016 at 9:30 a.m. Plaintiff failed to  
10 appear for the hearing and did not file any request for a continuance or otherwise notify the Court  
11 that she would not be able to appear at the conference. Accordingly, the Court orders that  
12 Plaintiff show cause why sanctions, up to and including dismissal, should not be issued for her  
13 failure to comply with this Court's orders and for her failure to prosecute this case. The Court  
14 further orders that Plaintiff show cause why this case should not be dismissed for failure to  
15 effectuate service of process in accordance with its October 11, 2016 order (ECF No. 9) and the  
16 Federal Rules of Civil Procedure.

18 No later than **January 31, 2016**, Plaintiff is ORDERED file a written response to this  
19 Order to Show Cause indicating: 1) she intends to pursue this action; 2) her explanation for her  
20 failure to appear at the status conference on January 24, 2016; and 3) her explanation for her  
21 failure to effectuate service of process upon the Defendants.

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28 action without prejudice against that defendant or order that service be made within a specified time." Fed. R. Civ. P.  
4(m).

**Plaintiff is cautioned that failure to respond to this Order as set forth above may result in the dismissal of this action.**

IT IS SO ORDERED.

Dated: **January 24, 2017**

/s/ Eric P. Grogg  
UNITED STATES MAGISTRATE JUDGE